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REMARKS

Applicants have studied the Office Action mailed May 11, 2004 and have made amendments to the claims. It is respectfully submitted that the application, as amended, is in condition for allowance. Reconsideration and allowance of the pending claims in view of the above amendments and following remarks is respectfully requested.

Objections to claims 24 and 27

The Examiner objected to claims 24 and 27 as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicants have hereby amended claims 24 and 27 to place these claims in proper dependent form.

Rejection of claims 4, 8-9, 24, and 26-28 under 35 USC §102(e):

The Examiner rejected claims 4, 8-9, 24, and 26-28 under 35 USC §102(e) as being anticipated by US Patent No. 6,569,662 B1. The Examiner states that US Patent No. 6,569,662 B1 teaches the polynucleotide sequence of an isolated nucleic acid molecule encoding a polypeptide consisting of the amino acid sequence set forth in SEQ ID NO:2, as well as vectors, host cells, methods for producing said polypeptide, etc.

However, Applicant's respectfully disagree with the Examiner's assertion that US Patent No. 6,569,662 B1 teaches the polynucleotide sequence of an isolated nucleic acid molecule encoding a polypeptide consisting of the amino acid sequence set forth in SEQ ID NO:2.

Specifically, the Examiner cites the nucleotide sequence of SEQ ID NO:959 in US Patent No. 6,569,662 as the nucleotide sequence that encodes a polypeptide consisting of the amino acid sequence set forth in SEQ ID NO:2. SEQ ID NO:2 of Applicant's instant application is 223 amino acids in length. However, as shown in the attached "Exhibit A", the nucleotide sequence of SEQ ID NO:959 in US Patent No. 6,569,662 encodes an amino acid sequence that is 191 amino acids in length, not 223 amino acids in length. The 191 amino acid long protein encoded by SEQ ID NO:959 in US Patent No. 6,569,662 begins at a different start codon, specifically the "ATG" codon at nucleotides 124-126 of

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SEQ ID NO:959. In contrast, the 223 amino acid long protein of SEQ ID NO:2 in Applicant's instant application would be encoded beginning at the "ATG" codon at nucleotides 28-30 of SEQ ID NO:959 (indicated by a box with an arrow in "Exhibit A").

Thus, US Patent No. 6,569,662 teaches that the start codon for the protein encoded by SEQ ID NO:959 is located at nucleotides 124-126, whereas Applicant's protein would be encoded beginning at the start codon at nucleotides 28-30 of SEQ ID NO:959. This results in a different protein having a different length (223 amino acids for Applicant's SEQ ID NO:2 versus 191 amino acids for the encoded protein in US Patent 6,569,662).

Accordingly, no teaching or suggestion exists in US Patent No. 6,569,662 for an isolated nucleic acid molecule encoding a polypeptide consisting of the amino acid sequence set forth in SEQ ID NO:2, as claimed in claims 4(a) of the instant application. Consequently, Applicant's respectfully request that the Examiner reconsider and withdraw the rejection under 35 USC §102(e).

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Conclusions

By way of the above amendments, claims 24 and 27 have been amended. As such, claims 4, 8-9, and 24-31 remain pending.

Claims 25 and 29 are allowable, as indicated in the Office Action mailed May 11, 2004.

The amendments to the claims add no new subject matter and their entry are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that the application and claims are in condition for allowance, and request that the Examiner reconsider and withdraw the objections and rejections. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned agent at (240) 453-3812 should the Examiner believe a telephone interview would advance prosecution of the application.

Respectfully submitted,

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Attachment:

- Exhibit A